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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/075,942	02/13/2002	Arno Jambor	10537/197	9842

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EXAMINER	
POE, MICHAEL I	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/075,942	JAMBOR ET AL.
	Examiner	Art Unit
	Michael I Poe	1732

S.C.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) *6 and 7* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 6 and 7 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 19, 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Publication No. 59-24636 A (Hieda et al.) in view of U.S. Patent No. 5,652,039 (Tremain et al.) for essentially the reasons set forth in the previous Office action mailed on April 7, 2004.

Claims 1-5

The discussion of Hieda et al. and Tremain et al. as applied to claims 1-5 in the previous Office action mailed on April 7, 2004 and as applied in the *Response to Arguments* section below applies herein.

Claims 1-5 were not amended in the response filed on July 9, 2004; therefore, claims 1-5 are rejected herein for the reasons set forth in the previous Office action and the reasons set forth in the *Response to Arguments* section below.

With regard to the teachings of Hieda et al., it is noted that it is clear from the complete English translation of Hieda et al. that, as assumed in the previous Office action by the examiner, Hieda et al. does not specifically teach bending around the heated bar. However, since Hieda et al. was not relied upon in the previous Office action to show this aspect of the applicant's invention, the examiner stipulates the complete English translation of Hieda et al. does not materially change the rejection presented in the previous Office action.

Response to Arguments

4. Applicant's arguments filed July 9, 2004 have been fully considered but they are not persuasive except as noted below.

The applicant's arguments with regard to the objections to the specification have been found persuasive by the examiner; therefore, all objections to the specification have been withdrawn herein by the examiner. It is further noted that the objections to the declaration in the previous Office action have been withdrawn herein in view of the resubmission of a copy of the executed declaration on July 9, 2004.

With regard to the rejections over prior art, the applicant first argues that Tremain et al. does not positively teach bending a sandwich panel at the formed hinge or fold with the assistance of a forming tool in column 5, lines 40-67 as stipulated by the examiner; but rather, Tremain et al. only suggest that, once the hinge or fold is formed, the presence of the forming tool would not affect propagation of the fold in the sandwich panel. Although the examiner acknowledges that Tremain et al. does not specifically teach bending with the assistance of a forming tool, the examiner stipulates that Tremain et al. at least suggests that a forming tool could be used to assist in the bending operation without adversely affecting the bending of the sandwich panel. As such, the examiner stipulates that Tremain et al. establishes that it would have been prima facie obvious to use a forming tool to assist in the bending operation of Hieda et al. and that one of ordinary skill in the art would have recognized that a forming tool could beneficially be used to assist in the bending operation of Hieda et al. Further, the examiner stipulates that neither Hieda et al. nor Tremain et al. specifically teaches away from bending with the assistance of a forming tool. Finally, the examiner stipulates that Tremain et al. is not required to positively teach bending with the assistance of a forming tool to establish a prima facie case of obviousness; but rather, Tremain et al. is only require to suggest that one of ordinary skill in the art would have recognized that bending could be performed with the assistance of a forming tool in the process of Hieda et al. and that such use would be beneficial in the process of Hieda et al. to establish a prima facie case of obviousness. For the reasons provided above, the applicant's arguments in this regard are considered unpersuasive by the examiner.

The applicant further argues that one of ordinary skill in the art would not look to combine the teachings of Tremain et al. with the teachings of Hieda et al. because Tremain et al. relates to cold bending of metal panels instead of hot bending of thermoplastic panels. This argument by the applicant

is essentially an argument that Tremain et al. is nonanalogous art. In response to applicant's argument that Tremain et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the examiner stipulates that Tremain et al. is in the field of applicant's endeavor (e.g., bending of thermoplastic sandwich panels). First in this regard, the examiner stipulates that one of ordinary skill in the art would have recognized that cold bending and hot bending techniques for thermoplastic panels can be used interchangeably in the art, and therefore one of ordinary skill in the art would have recognized that Tremain et al. was analogous art although it teaches cold bending instead of hot bending. Second, the examiner points out that the panel of Tremain et al. is a thermoplastic panel comprising a foamed PVC core and at least one slightly foamed PVC skin layer bonded to the core and not a metal panel as indicated by the applicant (see specifically column 3, lines 12-22 of Tremain et al.). For the reasons provided above, the applicant's arguments in this regard are considered unpersuasive by the examiner.

Conclusion

5. The prior art made of record and not relied upon in the previous Office action is considered pertinent to applicant's disclosure.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Poe/mip

MICHAEL P. COLAIANNI
SUPERVISORY PATENT EXAMINER